

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:22-CV-00572-FDW

ANTOINE S. SPELLER,

Plaintiff,

v.

WELLS FARGO & COMPANY SHORT-  
TERM DISABILITY PLAN,

Defendant.

**ORDER**

**THIS MATTER** is before the Court *sua sponte* concerning the status of this case. On April 27, 2023, Plaintiff filed a Case Settlement Notice, which provided:

Plaintiff, on behalf of the parties, hereby respectfully gives the court notice that the matter *sub judice* has settled. As soon as the closing papers have been properly executed, the parties will forward them over to the court.

(Doc. No. 10) (emphasis in original). At that time, the Court provided the parties with notice that “[a]greement for entry of judgment or a stipulation of dismissal to be filed within 30 days or the court may dismiss the case without prejudice.” (ECF Entry, April 27, 2023). Thus, the deadline for settling this case was May 30, 2023. However, the parties have failed to file either an agreement for entry of judgment or a stipulation of dismissal as required. In fact, since Plaintiff’s filing, neither party has taken any further action to prosecute this case.

**IT IS THEREFORE ORDERED** that this action is hereby **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is respectfully **DIRECTED** to terminate this proceeding.

**IT IS SO ORDERED.**

Signed: August 14, 2023



Frank D. Whitney